

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2021-07-04**

Amend Main Street (M) District – minimum lot size and sidewalk width

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING ARTICLE 9.03 ZONING ORDINANCE, SECTION 9.03.132 MAIN STREET DISTRICT (M) OF THE CODE OF ORDINANCES TO REVISE THE AREA REQUIREMENTS RELATED TO MINIMUM LOT SIZE AND BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN RELATED TO SIDEWALK WIDTH; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 9.03.132 provides for the zoning regulations and minimum area requirements in the Main Street (M) district; and

**WHEREAS**, amending the regulations to incorporate greater flexibility in the regulations relating to minimum lot area and sidewalk widths serves to protect property values and promote investment and opportunity that is consistent with the strategic goals established by the City Council and is consistent with the Future Land Use Plan; and

**WHEREAS**, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1.           INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.           AMENDMENT**

Article 9.03, Zoning Ordinance, Section 9.03.132 Main Street (M) District of the Code of Ordinances is hereby amended as follows:

**Sec. 9.03.132   Main street district (M)**

(d)   Area requirements.

      (1)   Lot size.

(A) Minimum lot area: 1 acre (43,560 square feet) or, ½ acre (21,780 square feet) if connected to city sanitary sewer service.

(e) Building placement, orientation and site design.

(3) Sidewalks ~~(twelve (12) foot minimum width)~~ shall be provided along the lot lines adjoining public streets in accordance with city regulations and policies. Interior walkways shall be required and shall connect to existing surrounding and adjoining public sidewalks as well as locations of future required public sidewalks.

### **SECTION 3. SAVINGS**

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 4. CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 5. SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

### **SECTION 6. PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.


**SECTION 7. PUBLICATION**

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 8. EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 6<sup>th</sup> day of July 2021.



Vicki Sanson  
Mayor

**ATTEST:**



Rae Norton  
City Secretary

